

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's own Motion to Consider a
Comprehensive Policy Framework for Recycled
Water.

Rulemaking 10-11-014
(Filed November 29, 2010)

ORDER EXTENDING STATUTORY DEADLINE**Summary**

This decision extends the statutory deadline in this proceeding to August 11, 2014.

Background

Public Utilities Code Section 1701.5 provides that quasi-legislative matters such as this rulemaking shall be resolved within 18 months of issuance of the scoping memo for the proceeding, unless the Commission makes findings why that statutory deadline cannot be met and issues an order extending the 18-month deadline for a period not exceeding 60 days.

The first scoping memo in this proceeding was issued on June 16, 2011. On September 28, 2012, an amended scoping memo extended the deadline for resolving the proceeding until December 16, 2013, in order to complete workshops developing recycled water guidelines and filing protocols, to draft and take comments the workshop report, and to prepare and a proposed decision for Commission action.

On February 1, 2013, the Commission staff issued the Recycled Water Workshop Report and parties actively commented on the report. On

December 5, 2013, Decision (D.) 13-12-012 extended the deadline for resolving the proceeding by 60 days until February 14, 2014.

In 2013, the assigned Administrative Law Judge (ALJ) suffered significant and ongoing health issues. Another ALJ was co-assigned to the proceeding and required additional time to become familiar with the issues in the proceeding. As a result, on January 16, 2014, D.14-01-021 extended the deadline for resolving the proceeding by 60 days until April 15, 2014.

On March 1, 2014, Senate Bills 103 and 104 were signed by the Governor and chaptered by the Secretary of State. These bills provide \$687.4 million to support drought relief and identify recycled water as an integral part of California's drought relief plans. On April 10, 2014, D.14-04-017 extended the deadline for resolving the proceeding until June 11, 2014, to provide time to review and analyze the effect of this legislation on the proceeding.

On April 25, 2014, the Governor issued an Executive Order declaring a continued state of emergency due to severe drought conditions. Directive No. 10 of the Executive Order directs the State Water Board to adopt statewide general waste discharge requirements to facilitate the use of treated wastewater that meets standards set by the Department of Public Health, in order to reduce demand on potable water supplies. Directive No. 19 of the Executive Order suspends the California Environmental Quality Act requirement to conduct an environmental review.

A proposed decision is presently being finalized. However, additional time is needed to ensure that the draft proposed decision is consistent with the Executive Order. Therefore, a 60-day extension of the statutory deadline until August 11, 2014, is necessary.

Comments on Proposed Decision

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of decisions extending the deadline for resolving quasi-legislative proceedings. We waive the period for public review and comment pursuant to this rule.

Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Gary Weatherford and Darwin E. Farrar are the assigned ALJs in this proceeding.

Findings of Fact

1. On September 28, 2012, an amended scoping memo extended the 18-month deadline for resolving the proceeding until December 16, 2013.
2. On December 5, 2013, Decision 13-12-012 extended the deadline for resolving the proceeding until February 14, 2014.
3. On January 16, 2014, Decision 14-01-021 extended the deadline for resolving the proceeding until April 15, 2014.
4. On April 10, 2014, Decision 14-04-017 extended the deadline for resolving the proceeding until June 11, 2014.
5. An extension of time until August 11, 2014 is necessary to ensure that the draft proposed decision is consistent with the Executive Order signed by the Governor on April 25, 2014.

Conclusions of Law

1. Pursuant to the authority granted the Commission under Public Utilities Code Section 1701.5(a), the statutory deadline for this proceeding should be extended to August 11, 2014.

2. Pursuant to Rule 14.6(c)(4), the comment period for the proposed decision should be waived.

O R D E R

IT IS ORDERED that:

1. The extension of the statutory deadline for Rulemaking 10-11-014 is extended to August 11, 2014.
2. This order is effective today.

Dated _____, at San Francisco, California.